

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHAWN LEON SWEET,

Defendant.

8:07CR400

ORDER

Defendant Shawn Leon Sweet (Sweet) appeared before the court on July 13, 2012, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 44). Sweet was represented by Assistant Federal Public Defender Richard H. McWilliams and the United States was represented by Assistant U.S. Attorney Kimberly C. Bunjer. Through his counsel, Sweet waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Sweet should be held to answer for a final dispositional hearing before Chief Judge Laurie Smith Camp.

The government moved for detention. Sweet declined to present any evidence but requested he be released upon conditions. Sweet argued he would abide by the conditions of release and be employed. Since it is Sweet's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Sweet has failed to carry his burden and that Sweet should be detained pending a dispositional hearing before Chief Judge Smith Camp.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 11:30 a.m. on August 16, 2012**. Defendant Shawn Leon Sweet is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 13th day of July, 2012.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge